

CHRISTINA L. ARCHER
DIRECT DIAL: (314) 516-2606
DIRECT FAX: (314) 345-4792
E-Mail: cla@greensfelder.com

March 30, 2005

Tom Turner Associate Regional Counsel U.S. EPA, Region 5 Office of Regional Counsel (C-14J) 77 West Jackson Blvd. Chicago, IL 60604

Re: Allied Healthcare Products, Inc.

RRG/Clayton Chemical Superfund Site

Dear Mr. Turner:

This letter sets forth Allied Healthcare Products, Inc.'s ("Allied") position regarding its status as a Potentially Responsible Party ("PRP") for the soil removal at the RRG/Clayton Chemical Superfund Site in Sauget, Illinois ("Site"). By way of background, Allied received the November 22, 2004 General Notice of Potential Liability letter related to the Site. Allied responded to U.S. EPA on January 28, 2005 as part of a preliminary PRP Group member indicating its willingness to investigate the issues contained in th General Notice letter. Allied has now reviewed all known information, and believes it should not be included PRP for the soil removal at the Site.

We understand that U.S. EPA relied upon "The RRG/Clayton Liquid Removal, Investigation Report" ("Report") to determine which PRPs received the General Notice letter. U.S. EPA based the cutoff for receipt of the General Notice letter at 75,000 gallons.

According to the Report, Allied shipped 83,614 gallons to the Site from 1980 to 1983. There is no indication from the Report that Allied shipped anything to the Site from 1984 through 1998. The breakdown is as follows:

 Year
 Amount Shipped (gallons)

 1980
 43,764

 1981
 35,170

 1982
 4,330

 1983
 350

2/3/05/Bill F41/(17205(.

Greensfelder, Hemker & Gale, P.C. 2000 Equitable Building 10 South Broadway St. Louis, MO 63102

12 Wolf Creek Drive Suite 100 Belleville (Swansea), IL 62226

T: 314-241-9090 F: 314-241-8624 www.greensfelder.com

EPA Region 5 Records Ctr.





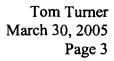
It is our understanding that the PRPs performing the liquid removal at the Site scanned Clayton Chemical's annual reports of waste received by the facility from 1979 through 1998 and used this information in support of the conclusions contained in the Report. Allied has reviewed all of that documentation as well as its own internal documentation. Attached hereto are copies of every invoice indicating that Allied shipped waste solvent/oil to the Site found from Clayton and Allied records. The breakdown is as follows:

Date	Manifest Number	Location	Amount of Solvent Shipped (gallons)				
3/18/81	0362186	Clayton	2,300				
10/1/81	0350379	Clayton and Allied	1,780				
1981 Subtotal ¹			4,080				
4/2/82	0613958	Allied	1,500 (waste oil)				
6/24/82	0613962	Allied	850				
9/15/82	0613964	Allied	900				
12/13/82	0613987	Allied	700				
1982 Subtotal		Clayton	<u>3,950</u>				
3/9/83	0613968	Clayton and Allied	350				
Total			8,380				

As is apparent from the attached manifests and the above-referenced charts, there is a discrepancy of 43,764 gallons in 1980 (the Report states that Allied shipped 43,764 gallons and Clayton and Allied records show nothing was shipped) and 31,090 gallons in 1981 (the Report states that Allied shipped 35,170 gallons and Clayton and Allied records show 4,080 gallons were shipped). Allied and Clayton records match for the years 1982 and 1983. As stated above, there is no indication from any applicable records that Allied sent any waste solvent/oil to the Site from 1984 through 1998.

Allied believes that the Report is inaccurate in the amount of waste solvent/oil shipped to the Site from 1980 and 1981. Both Clayton and Allied records support only the conclusion that Allied shipped 8,380 gallons of waste solvent/oil to the Site from 1981 through 1983. Based on such, it is Allied's position that it should not have been included as a PRP at the Site as its amount of waste solvent/oil shipped was well below the 75,000 gallon cut-off.

¹ Clayton's records contain three copies of manifests 0350379 and 0362186.





If you have any information which contradicts the above, please do not hesitate to contact me at 314-516-2606 or Al Henneboehle at 314-516-2601. Otherwise, Allied will not participate in any further PRP negotiations for the soil removal at the Site based on the above information.

Sincerely,

GREENSFELDER, HEMKER & GALE, P.C. Tino Outer

Ву

Christina L. Archer

Enclosures

Al Henneboehle cc:

Eldon Rosentrater

Margaret A. Coughlin

	STATE OF ILLINOIS	0.000.000
TO BE COMPLETED BY WASTE GENERATOR	ENVIRONMENTAL PROTECTION AGENCY DIVISION OF LAND POLLUTION CONTROL	
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(Company Name)	Address	1LL 9291890102 G 14 Generator Number 24
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Hauler Name	Hauler Address	MO# T-44121
·		Fed JLD 00 6493191 S.W.H. Registration Number
. Hauler Name	Hauler Address	32
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(Facility Name)		39 Site Number 46
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24 HOUR EMERGENCY AND SPILL ASSISTANCE NUMBERS

PART - 4 HAULER

PART - 5 IEPA

IN ILLIMOIS: 217 / 782-3637

DISTRIBUTION: PART - 1 GENERATOR

PART - 2 IEPA

PART - 3 SITE

Luck

COMMENTS OR SPECIAL INSTRUCTIONS:

PART - 6 GENERATOR

DUTSIDE ILLINOIS: 800 / 424-8802

TO BE COMPLETED BY WASTE GENERATOR

STATE OF ILLINOIS	SHIPMENT 4 DOZ
ENVIRONMENTAL PROTECTION AGENCY	035037
DIVISION OF LAND POLLUTION CONTROL	533331
2200 CHURCHILL ROAD, SPRINGFIELD, ILLINOIS 6	52706
(217) 782-6760	
SPECIAL WASTE HAULING MANIFEST	Authorization Number 22856

Allica Health CAR	SPECIAL WASTE HAULING MANIFEST	Mo # 0/6/0 Number 2 9 8 9 6 0
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(Company Name)	Adòress	9 2 9 1 5 5 0 1 0 3 G Generator Number 24
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FACILITY ANNUAL HAZARDOUS WASTE REPORT (cont.)

This report is for the calendar year ending December 31, 1982.

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	American Stamp & Marking	10-28-85	922667
;	AMF Wheel Goods	9-1-85	993037
	Amoco Oil Company	9-29-82	994483
	AP Green	12-30-84	996157
· .	Arrow Group Industries	10-15-85	922887
	Baldor Electric/430	7-2-85	921991
	B & C Auto Body (Nobble)	8-13-85	992969
•	Banner Paints	10-12-85	997083, 997876
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	Bliss Waste Oil	9-22-85	994342
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9-24-83	Brod-Dugan /750-3800 -2200	11-1-85	991587
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C 42 8/81 .

			
TO BE COMPLETED BY	ENVIRONMENTAL PROTECTION	N AGENCY Ubl3	9b4
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City	<u>Z / </u>	Phone Number	<u> </u>
Alternate (Facility Name)	Address	39 Site Number	46
City	State Zip	Phone Number EPA Number	
TO BE COMPLETED BY WASTE GENERATOR	WASTE SOLVENT	WASTE PHASE: Liguid	
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(Authorized Signature)

DATE: $\frac{9}{80}$

ENTS OR SPECIAL INSTRUCTIONS:

24 HOUR EMERGENCY AND SPILL ASSISTANCE NUMBERS

OUTSIDE ILLINOIS: 800 / 424-8802 or 202 / 426-2675

IN ILLINOIS: 217 / 782-3637 DISTRIBUTION: PART - 1 GENERATOR

PART - 3 SITE

PART - 2 IEPA

PART - 4 HAULER

PART - 5 IEPA

PART 6 - GENERATOR

TO E.: COMPLETED BY WASTE GENERATOR	50,000,000,051,4415	PROTECTION AGENCY POLLUTION CONTROL	<u> </u>
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Eps ducts	\ - ,	782-6760 HAULING MANIFEST	Authorization Number 998960
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City	29 0 <u>C31K</u> State Zip	Mo# 01010	<u> </u>
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SAUGET	III 6:	120/68121104	67 160066918327 EPA Number
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TO BE COMPLETED BY WASTE GENERATOR	11-15 501	T	1,0,0
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IN ACCORDANCE WITH THE APPLICABLE REGULATIONS OF	F THE ILLINOIS DEPARTMENT OF TRAISPO	RTATION AND I.E.P.A.	
I HEREBY AGREE TO AND CERTIFY THE ABOVE WRITTEN I	NFORMATION	(Authorized Signature)	DATE: 12-13-82
WASTE MAIN ED		(Authorized Signature)	
WASTE HAULER I HEREBY CERTIFY THAT THE THE DESTRIATION AS INDICA		Y HAS BEEN ACCEPTED IN PROPER CONDIT	ION FOR TRANSPORT AND I ACKNOWLEDGE
(1) (Authorized Signature)	· ————		DATE: 22/3/82 599
(Authorized Signature)			nutr. / /
(Authorized Signature)			DATE:
DISPOSAL, STORAGE, OR TREATMENT FACILITY"	- 	HAZARDONE W	ASTE SUBJECT TO FEE YES NO
I HEREDY CERTIFY THAT THE ABOVE DESCRIBED WASTE	AND INDICATED QUANTITY HAS BEEN ACC	·	NO NO
Maril E Veletias			DATE: 4213 82
(Authorized Signature)			60 65
OMMENTS OR SPECIAL INSTRUCTIONS:			
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N ILLINOIS: 217 / 782-3637	*24 HOUR EMERGENCY AND	SPILL ASSISTANCE NUMBERS*	OUTSIDE ILLINOIS: 800 / 424-8802 or 202 / 426-267!
DISTRIBUTION: PART - 1 GENERATOR PART - 2 IEPA	A PART - 3 SITE PART - 4 HA	NULER PART - 5 IEPA PART (G - GENERATOR



FACILITY ANNUAL HAZ ARDOUS WASTEREPORT

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